

**208 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-26494 of 2020

DATE OF DECISION : 08.10.2020

Kuldeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. S. S. Verma, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

This is a petition for grant of regular bail in FIR No. 136 dated 09.05.2020 registered under Sections 323/377/452/506/34 IPC at Police Station Uklana, District Hisar.

2. Per FIR, on 09.05.2020, petitioner along with three others gagged the complainant and pushed him on the ground. Two of them stood as guard on both the gates of Dera and other two committed sexually wrong act with the complainant.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated. He was not named in the FIR. He is in custody since 10.05.2020. Investigation in the case is complete. Challan has been presented. The trial is not likely to commence or conclude soon due to Covid-19 pandemic.

4. On a query of the Court, learned State counsel does not controvert that there is no direct role attributed to the petitioner/accused since the offence

under Section 377 IPC was allegedly committed by co-accused, while the petitioner merely stood outside the premises, allegedly to keep a watch on the outside movement. He further submits that investigation in the case is complete. Challan has already been presented. No custodial interrogation of the petitioner is required.

5. Having heard learned counsel for the petitioner, as also learned State counsel, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars since investigation is over and challan too has been filed. There is no headway in the trial due to Covid-19 pandemic, as the Courts are working in restricted manner and taking up only urgent cases.

6. In the premise, the instant petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, as the case may be.

OCTOBER 08, 2020

shalini

(ARUN MONGA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No